

ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

Federal Agency Name: National Marine Fisheries Service (NOAA Fisheries), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce acting as Administrative Trustee for the New Bedford Harbor Trustee Council (U.S. Department of Commerce, U.S. Department of the Interior and the Commonwealth of Massachusetts)

Funding Opportunity Title: New Bedford Harbor Restoration Projects Grants

Announcement Type: Initial Announcement

Catalogue of Federal Domestic Assistance (CFDA) Number: 11.463 Habitat Conservation

Dates: Applications must be received or postmarked by 5:00 P.M. Eastern time on March 18, 2005. Applications that are postmarked after that time will not be considered for funding. No facsimile or electronic mail applications will be accepted.

Application Submission: - Electronic submission online: <http://www.grants.gov>
- Paper submission: New Bedford Harbor Trustee Council, c/o
National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930-2298, Attn: Jack Terrill, 978-281-9136.

Funding Opportunity Description: The New Bedford Harbor Trustee Council (Trustee Council or Council) is responsible for restoration of natural resources injured through the release of polychlorinated biphenyls (PCBs) and other hazardous substances into the New Bedford Harbor Environment. The Council consists of the: 1) Massachusetts Executive Office of Environmental Affairs; 2) U.S. Department of Commerce, NOAA represented by the National Marine Fisheries Service (NOAA Fisheries); and 3) U.S. Department of the Interior represented by the U.S. Fish and Wildlife Service. Using settlement funds, the Council plans and implements projects that restore, replace or acquire the equivalent of the natural resources that have been injured. The Council intends to fund up to \$5.5 million for restoration projects addressing the natural resource injury within the New Bedford Harbor Environment. Funding will be provided through grants or cooperative agreements issued through NOAA on behalf of the Council. Approved projects that involve activities not eligible for NOAA Grants may receive funds through other Trustee agencies.

FULL ANNOUNCEMENT TEXT

I. Funding Opportunity Description

A. Program Objective

New Bedford Harbor is located in Southeastern Massachusetts at the mouth of the Acushnet River on Buzzards Bay. The communities of Acushnet, Dartmouth, Fairhaven, and New

Bedford are adjacent to the harbor. The harbor and river are contaminated with high levels of hazardous materials, including PCBs, and as a consequence are on the U.S. Environmental Protection Agency's (EPA) Superfund National Priorities List. This site is also listed by the Massachusetts Department of Environmental Protection as a priority Tier 1 disposal site. The contamination resulted both directly from discharges into the Acushnet River estuary and Buzzards Bay and indirectly via the municipal wastewater treatment system into the same bodies of water.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund," 42 U.S.C. §9601 *et seq.*) provides a mechanism for addressing the Nation's hazardous waste sites, allowing states and the Federal Government to sue polluters for the clean-up and restoration of designated sites. CERCLA provides for the designation of "natural resource trustees": Federal, state, and/or tribal authorities who own, manage or control the injured natural resources. Natural resource trustees may seek monetary damages (i.e., compensation) from responsible parties for injury, destruction, or loss of natural resources resulting from releases of specified hazardous substances. These damages, which are distinct from clean-up costs, must be used by the trustees to "restore, replace, or acquire the equivalent of" the natural resources that have been injured, after the trustees have approved a restoration plan.

The parties responsible for the New Bedford Harbor discharges were electronics manufacturers who were major users of PCBs from the time their operations commenced in the late 1940's until 1977, when EPA banned the use and manufacture of PCBs. PCBs are human carcinogens that can be introduced to humans through eating contaminated fish and shellfish. PCBs also have adverse effects on natural resources such as shellfish, birds, and mammals.

Executive Order 12580 and the National Contingency Plan, which is the implementing regulation for CERCLA, designate(s) the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to be federal trustees for natural resources. Federal trustees are designated because of their statutory responsibilities for protection and/or management of natural resources, or management of federally owned land. In addition, the governor of each state is required to designate a state trustee.

Trustee responsibilities include assessing damages resulting from the release of hazardous substances, pursuing recovery of both damages and costs from the responsible party(ies), and using recovered funds to restore, replace or acquire the equivalent of natural resources that were injured by the release. For the New Bedford Harbor Superfund Site, there are three natural resource trustees on the Council. They are the Department of Commerce (DOC), the Department of the Interior, and the Commonwealth of Massachusetts. The Secretary of Commerce has delegated DOC trustee responsibility to NOAA; within NOAA, NMFS has responsibility for natural resource restoration. The Secretary of the Interior has delegated trustee responsibility to the U.S. Fish and Wildlife Service. The Governor of Massachusetts has delegated trustee responsibility to the Secretary of Environmental Affairs.

In 1983, the federal and state trustees filed complaints against the electronic manufacturers in

federal district court in Boston alleging causes of action under CERCLA for injuries to natural resources under their trusteeship that had resulted from releases of hazardous substances, including PCBs. The complaints were resolved as of 1992 through settlement agreements with the electronic manufacturers who paid \$109 million for: (1) cleanup of the harbor; (2) restoration of injured natural resources; and (3) reimbursement of funds already expended. The Council was created as a result of the settlements.

CERCLA defines natural resources to include land, fish, wildlife, biota, air, water, groundwater, drinking water supplies or other such resources belonging to, managed by or under the control of the United States, any state or Indian Tribe. Natural resources within the New Bedford Harbor environment showing documented injury or having a high probability of injury include fish, shellfish, other marine organisms, birds, marine sediment and the water column. The fish species include winter flounder, tautog, scup, mackerel, silverside, mummichog, American eels and herring. Shellfish injured by the release of PCBs include mussels, clams, quahogs, oysters, various species of crabs and lobster. PCB contamination also affected other organisms such as amphipods, diatoms and copepods that are part of the food chain and are a means for further transmission of PCBs.

The Council issued an initial "Request for Restoration Ideas" in October 1995 (60 FR 52164, October 5, 1995)(Round I). Fifty-six ideas were received from the local communities, members of the public, academia and state and federal agencies. The ideas were the basis for the alternatives listed in the Council's "Restoration Plan for the New Bedford Harbor Environment" (Restoration Plan) that was developed to guide the Council's restoration efforts. An environmental impact statement (EIS) was prepared in conjunction with the Restoration Plan to fulfill requirements of the National Environmental Policy Act (NEPA). A record of decision (ROD) was issued on September 22, 1998 for both the Restoration Plan and the environmental impact statement. The issuance of the record of decision allowed the implementation of 11 preferred restoration projects analyzed in the Restoration Plan.

A second request for restoration ideas (Round II) was issued in August 1999 (64 FR 44505, August 16, 1999). Thirty-five restoration ideas were submitted to the Council with total requested funding of approximately \$35.0 million from the Trust Account. The Council provided opportunities for public comment on the proposed restoration ideas. As occurred with Round I, the project ideas were reviewed by the Council's legal advisors. In addition the ideas were evaluated by technical advisors who developed recommendations with respect to the technical feasibility and restoration benefits of each idea. The Council carefully considered all public comment received and the comments of its technical and legal advisors and staff before releasing a draft Environmental Assessment (EA) in which the identified alternatives were evaluated and the preferred ideas announced. The Council requested public comments on the EA and preferred ideas (65 FR 46146, July 27, 2000).

A record of decision was issued on December 28, 2000 for Round II which indicated that there were 17 approved project ideas. The record of decision also identified the process that would be followed to develop the ideas into restoration projects. Certain projects required a competitive solicitation to be held in order for the Council to provide funding. All projects would ultimately be funded through contract or grant procedures that included conditions to ensure that the funds

were expended prudently and as proposed.

1. Guidance For Development of Natural Resource Project Proposals

Following the conclusion of the first round of funding for restoration projects, members of the public requested further information regarding potential project proposals to be submitted to the Council for consideration in the second round. The Council provided legal guidelines in the announcement of Round II (64 FR 44505, August 16, 1999) to be considered during development of restoration project proposals to be submitted to the Council for funding from the New Bedford Harbor Natural Resource Damages Restoration Trust Fund. The Council does not repeat these guidelines here but urges review of the previous announcement for Round II. Copies of these guidelines may be requested through the New Bedford Harbor Trustee Council, c/o National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930-2298, Attn: Jack Terrill, 978-281-9136.

2. Round III Guidance

The Council has chosen to use a different method for requesting and funding projects under Round III. Rather than requesting restoration ideas, the Council is requesting formal applications for implementing restoration projects. The applications received will be judged against the criteria contained within this announcement consistent with the criteria and priorities previously established in the RP/EIS and used for Rounds I and II. There will still be opportunities for public review and an environmental assessment under NEPA will be developed for Round III. At the conclusion of the review there will be a ranking of the projects and a determination of which projects would receive funding after considering the funds available for Round III.

While the Council has established a target level of funding of \$5.5 million for Round III, the amount that will actually be expended may be more or less than this amount. The Council will not expend an amount of funds that limits the Council's ability to perform meaningful restoration once remediation has been completed..

The Council will not fund a restoration project that will be undone or negatively impacted by EPA's future remediation work, or will interfere with any ongoing remediation related work. The Council intends to closely coordinate with EPA during development of the remediation plans and to inform the public as to EPA's cleanup schedule so that restoration proposals may be developed accordingly.

3. General

Although a proponent may have a general sense of the New Bedford Harbor environment and the injured natural resources sufficient for an initial identification of projects, precise legal meanings of certain terms are provided in the Restoration Plan. Please consult the Restoration Plan prior to submitting a project proposal (for example, see Figure 1.1 in Chapter 1 for the meaning of the "affected" New Bedford Harbor environment, and Chapter 2.1 for definitions of certain terms

including "injury" and "natural resources").

If a municipality proposes a project, the Council suggests that the proposal be reviewed by the municipality's legal counsel prior to submission. In addition, please note that information submitted to the Council by all parties is included in a public record and is subject to disclosure pursuant to the federal Freedom of Information Act and the Massachusetts Public Records Law. Prior to selection of any project for funding, all proposals will be subject to public review and comment as part of an open public comment process.

B. Restoration Priorities

The Council identified the following priorities for restoration of injured natural resources:

- 1) Marshes and/or wetlands,
- 2) Recreation areas,
- 3) Water column,
- 4) Habitats,
- 5) Living resources, and
- 6) Endangered species.

Applications should address these priorities but respondents are not limited to these areas alone. New priorities can be identified if appropriate and incorporated into the restoration planning process provided that they meet legal requirements, technical feasibility and selection criteria. Highest priority will be given to restoration projects that actually restore, replace or acquire the equivalent of an injured natural resource. Examples of previously funded restoration projects can be found at <http://www.darp.noaa.gov/neregion/newbed.htm>.

C. Program Authority

16 USC 661-667e, 42 USC 9601-9626

II. Award Information

A. Funding Availability

This solicitation announces that funding of up to \$5,500,000 is expected to be available for the Council's Round III restoration projects. Based upon previous rounds, the Council anticipates that typical project awards will range from \$20,000 to \$2,000,000. There is no guarantee that sufficient funds will be available to make awards for all proposals. The number of awards to be made as a result of this solicitation will depend on the number of eligible applications received, the amount of funds requested for initiating restoration projects by the applicants, and the merit and ranking of the proposals. Publication of this notice does not obligate NOAA to fund any specific project or obligate all or any parts of any available funds.

B. Project/Award Period

Awards will be made for projects where requested funding will be used to complete proposed

restoration and monitoring activities within a period of 36 months from the approved start date of the project. The earliest date for receipt of awards will be approximately 150 -180 days after the close of this solicitation; applicants should consider this selection and processing time in developing requested start dates for proposed restoration activities. If an application is selected for funding, NOAA has no obligation to provide any additional prospective funding in connection with that award in subsequent years. Permission to extend the period of performance beyond the 36 month award period is at the total discretion of NOAA (in conjunction with the Trustee Council) and must be requested in writing at least 60 days in advance of an award's expiration date.

C. Type of Funding Instrument

The funding mechanism for Round III will be NOAA grants or cooperative agreements for those projects and applicants eligible to receive such awards. Selected applicants will be funded through a cooperative agreement since Trustee Council staff will be substantially involved with aspects of the project. Substantial involvement may include, but is not limited to, activities such as hands-on technical or permitting assistance, support in developing protocols to adequately monitor the restoration to determine success, tracking the progression of the restoration through site visits and progress report evaluation, and involvement in public meetings and events to highlight restoration activities. The Council recognizes that some projects or applicants may not be able to receive a NOAA grant or cooperative agreement due to the project or applicant type. For example, NOAA does not have the authority to issue grants for recreational projects or to other Federal agencies. NOAA reserves the right to utilize a different vehicle, such as a contract, if a grant or cooperative agreement is determined not to be appropriate vehicle for funding. But in order for all applications to be reviewed and considered consistently and objectively, all applicants, including Federal agencies, will use the Application for Federal Assistance (Standard Form 424). The applications will be reviewed using the same criteria and method. Approved projects that do not qualify for NOAA Grants may receive funds through other Trustee agencies.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants include state, local and Indian tribal governments, institutions of higher education, other nonprofit and commercial organizations and individuals whose projects have the potential to benefit the impacted natural resources. Applications from federal agencies or employees of Federal agencies can be submitted but cannot be considered for NOAA grants. Such applications may be funded through other Trustee Council agencies.

The Department of Commerce/National Oceanic and Atmospheric Administration (DOC/NOAA) and the Council are strongly committed to broadening the participation of historically black colleges and universities, Hispanic serving institutions, tribal colleges and universities, and institutions that work in under served areas. The Council encourages proposals involving any of the above institutions.

B. Cost Sharing or Matching Requirements

One way of extending the fixed amount of money the Council has to work with is through cost sharing (often referred to as providing "matching funds"). It is not required that applications contain cost sharing. However, the Council does encourage respondents to think about cost sharing, and if it is appropriate for a project, to discuss within the application the degree to which cost sharing may be possible. If cost sharing is proposed, the respondent is asked to account for both the Council and non-Council amounts. This information will allow the Council to better plan future expenditures.

C. Permits and Approvals

It is the applicant's responsibility to obtain all necessary Federal, state and local government permits and approvals where necessary for the proposed work to be conducted. Applicants are expected to design their proposals so that they minimize the potential for adverse impacts to the environment. If applicable, documentation of requests or approvals of required environmental permits should be included in the application package. Applications will be reviewed to ensure that they contain sufficient information to allow Council staff to conduct a NEPA analysis so that appropriate NEPA documentation, required as part of the application package, can be submitted to the NOAA Grants Management Division (GMD) along with the recommendation for funding for selected applications. For more information see Section VI. B. "Administrative and National Environmental Policy Act Requirements" of this document.

IV. Application and Submission Information

A. Address to Request Application Package

Application information is available at www.grants.gov/Apply. Applicants without internet access can contact Jack Terrill, New Bedford Harbor Trustee Council, c/o National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930-2298, or by phone at 978-281-9136, or e-mail at jack.terrill@noaa.gov.

Any administrative questions should be addressed to Jack Terrill (see above).

The required forms are as follows:

- 1) Application for Federal Assistance: SF-424 (9/03 version)
 - 2) Budget Information, Non-construction Programs: SF-424A
 - 3) Assurances, Non-construction Programs: SF-424B
 - 4) Certifications Regarding Debarment, Suspension, and other Responsibility Matters: Drug Free Workplace Environment: CD-511
 - 5) CD-512 (remains with applicant - do not submit as part of the application package)
- Depending on the applicant, the following forms may also be required:

- 1) Disclosure of Lobbying Activities: SF-LLL (if applicable)
- 2) Application for Federal Assistance: CD-346 (required for the following individuals:
Non-profit Organizations, Sole Proprietorship, Partnerships, Corporations and Joint Ventures)

If the standard NOAA application forms and instructions for applicants cannot be downloaded, contact Jack Terrill (see above). Assistance from Council staff is available by telephone or through meetings. Assistance will be limited to such issues as the Council's goals, restoration priorities, selection criteria, application procedures, and responding to questions regarding completion of application forms. Assistance will not be provided for conceptualizing, developing or structuring proposals. Information can be obtained at the offices of the Council (see above).

B. Content and Form of Application Submission

To apply, a complete standard NOAA grant application package should be submitted in accordance with the guidelines in this document. Each application should include:

- 1) federal application forms specified above;
- 2) a project summary that follows the prescribed format, not to exceed two pages;
- 3) a narrative project description of no more than 12 pages, including a detailed narrative budget justification;
- 4) the curriculum vitae or resume of primary project personnel;
- 5) a site location map such as a U.S. Geological Service topographic quadrangle map with site location(s) highlighted;
- 6) a letter documenting private landowner or public land manager support; and
- 7) other relevant attachments the applicant deems important to the overall understanding and evaluation of the proposed project.

C. Summary Information (not to exceed two pages)

- 1) Applicant organization (nonprofit, university, government, etc.);
- 2) Project Title;
- 3) Site Location (nearest town or watershed, and geographic coordinates if known);
- 4) On-the-Ground Implementation Start Date (not proposed award start date);
- 5) Impacted natural resources to benefit from the project - habitat(s), organism(s)(species) currently using the project area or expected to return, and any listed threatened or endangered species in the project area or in the vicinity;
- 6) Project Scope (Briefly list specific tasks to be accomplished with requested funds, and proposed techniques that will be used to implement and monitor the restoration);
- 7) Area to be Restored (acreage, stream miles and/or other measurable outcome);
- 8) Project Time Line;
- 9) Permits (identify permits expected to be necessary for this project and current status of applications or consultations);
- 10) Council Funds Requested & Non-Council Match Anticipated; and
- 11) Overall Project Cost.

D. Narrative Project Description

The narrative project description should closely follow the organization of the evaluation criteria

for the application to receive a consistent review against competing applications. The body of the narrative description should be no more than 12 pages long (in 12-point font) including a narrative budget justification, and should give a clear presentation of the proposed work. In general, proposals should clearly demonstrate anticipated benefits to specific injured natural resources located within the New Bedford Harbor environment, describe how these benefits will be achieved through the proposed restoration activities, and identify the range of species expected to benefit.

The narrative should include at least one of the following: an estimate of acreage to be restored by the proposed project; proportion of local degraded habitat to be restored; stream miles to be reopened to fish passage; or another measure that describes the significance of the proposed actions on the impacted natural resources and habitats.

The narrative should describe the historic condition of the restoration site and the injury that occurred through the release of contaminants, the processes which resulted in injury of the resource and how these processes have been abated to allow for successful restoration. It should list the species currently found in the project site, identify the problems the project will address, describe short- and long-term objectives and goals, detail the methods for carrying out and monitoring the project, and clearly explain the project's relevance and significance to restoring natural resources.

The narrative should provide details on all phases of the project. For example, some projects may require a feasibility study, design, permitting, construction and monitoring phases over the course of the projects. Detailed information appropriate to the type of project should be included. For example:

1) dam removal and fish passage projects should describe historical fish runs in the river, identify the river length that will be restored, the distance to the next upstream blockage, any downstream blockages or seasonal impediments to fish passage; state how the project will meet fish passage guidelines established for the area, and identify the dam owner/landowner;

2) projects proposing to change tidal flushing characteristics should be accompanied by a hydrograph showing any tidal restriction(s);

3) projects proposing to create, restore, or rehabilitate shellfish grounds should identify whether the site was historically classified as productive habitat, the current and historic bottom type at the project location; the type and source of substrate base to be added (if any) and whether the material is permitted for open water placement, the origin and strains of any seed to be placed on the site and the proximity to any existing or remnant sources of similar type in the area, and information on future management including potential for future harvest;

4) projects involving planting should include information on site preparation and invasive control methods, the basis for determining species and planting density, a brief discussion about genetic integrity and how that will be addressed, and detail planned maintenance activities including duration of maintenance;

5) recreation projects should include information on the public lost use associated with the injury

to natural resources;

6) land acquisition projects should provide information on the natural resource benefits occurring from acquisition, and document the steps to be taken to secure a title examination, fair market real estate appraisal, environmental site assessment and conservation easement to preserve the property in perpetuity.

To ensure a basic level of assessment of project success, implementation of on-the-ground habitat restoration projects must have clearly identified goals (broad in scope) and specific, measurable objectives. Proposals should describe evaluation of these objectives by indicating at least one structural and one functional parameter that will be monitored during the project period. For each selected parameter (minimum of two), a baseline value, reference value, and a proposed target value must be identified prior to the implementation of restoration efforts. Proposals should describe how monitoring will be conducted in a timely fashion by describing the frequency and length of time appropriate to each parameter in the context of the project objectives and status.

NOAA, acting for the Trustee Council, must analyze the potential environmental impacts, as required by NEPA, for applicants who are seeking Council funding. Proposals should provide enough detail for NOAA to make a NEPA determination (see Section VI. B. "Administrative and National Environmental Policy Act Requirements"); funds will not be released to successful applicants until NOAA completes necessary NEPA documentation. Consequently, as part of an applicant's package, and under the description of proposed activities, applicants are required to provide detailed information on the activities to be conducted, such as site locations, species and habitat(s) to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use of and/or disposal of hazardous or toxic substances, introduction of non-indigenous species, impacts to endangered and threatened species, etc.).

In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist Council staff in drafting an environmental assessment if it is determined that an assessment is required and one does not already exist for the activities proposed in the application. Applicants will also be required to cooperate with the Council in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts from their proposal. The failure to do so shall be grounds for the denial of an application.

Applicants are encouraged to consult with Council staff (see Section VII) as early as possible to obtain guidance with respect to the level and scope of information needed to comply with NEPA. A phased approach to funding project activities may be recommended, or special award conditions may be imposed limiting the use of funds for activities that have outstanding environmental compliance requirements to fulfill. The type of detailed information described above is critical to evaluating the significance of a project and its readiness to use available funding.

The project narrative should describe the organizational structure of the applicant group, identify proposed project staff, and detail their experience and qualifications. If known, the applicant

should state the level of Trustee agency involvement in, and/or support for the project and include contact information of relevant Trustee agency staff.

Applications will be evaluated for cost-effectiveness by examining the proportion of funds directed to on-the-ground restoration/monitoring activities compared with that to be used for general program support. Budgets must include a detailed breakdown by category of cost (object class) separated into Council and non-Council shares as they relate to specific aspects of the project, with appropriate narrative justification for both the federal and non-federal shares and Council and non-Council shares.

The project narrative should also describe any community involvement in the project, such as community participants (project partners) other than the applicant and their contributions, volunteer opportunities, education/outreach/stewardship plans, and efforts to disseminate information on project goals and results and/or the sources of project funding and support. If applicable, the narrative should explain how the proposed project will complement or encourage other local restoration or conservation activities.

To demonstrate a project's potential to realize long-term benefits for natural resources, indicate project readiness, and protect the Council's investment, a letter of commitment is required from the landowner for projects on private land, or from relevant resource agency personnel for projects on public, permanently protected land, that provides assurance that the project will be maintained for its intended purpose.

Applicants should not assume prior knowledge on the part of the Trustee Council as to the relative merits of the project described in the application. Inclusion of supplementary materials such as photographs, project designs, diagrams, copies of secured permits, letters of support, etc. are strongly encouraged and do not count toward the project narrative page limit.

E. Submission Format

Paper applications should not be bound in any manner and should be printed on one side only. Three hard copies (including one original signed in blue ink) of each application are required and must be submitted to the New Bedford Harbor Trustee Council, c/o National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930-2298, Attn: Jack Terrill, 978-281-9136.

Applicants may opt to submit additional hard copies (seven are needed for reviewing purposes) if it does not cause a financial hardship. An additional copy may also be submitted on a PC-compatible diskette or CD ROM in either Microsoft Word or WordPerfect formats. Different applications from the same organization must be submitted in separate envelopes. Proposals submitted via [grants.gov/Apply](https://www.grants.gov) should follow the format guidelines set out on the www.grants.gov Web site.

F. Submission Dates and Times

1. For electronic submission - Proposals must be received by 5:00 Eastern Time on March 18,

2005.

2. For paper submissions - Applications must be received by or postmarked by 5:00 PM Eastern Time on March 18, 2005. Applications received or postmarked after that time will not be considered for funding. Applications submitted via the U.S. Postal Service must have an official postmark; private metered postmarks are not acceptable. Applications delivered by a delivery service after the postmark date will be accepted for review if the applicant can provide a written guarantee from the delivery service that the document would be delivered on or prior to the specified postmark cut-off. In any event, applications received later than five (5) business days following the closing date will not be accepted. No facsimile or electronic mail applications will be accepted. Applicants desiring acknowledgment of receipt of their applications should include a self-addressed post card.

G. Intergovernmental Review

Applications under this program are subject to the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs". Any applicant submitting an application for funding is required to complete item 16 on SF-424 regarding clearance by the State Single Point of Contact (SPOC) established as a result of EO 12372. To find out about and comply with a State's process under EO 12372, the names, addresses and phone numbers of participating SPOC's are listed in the Office of Management and Budget's home page at: <http://www.whitehouse.gov/omb/grants/spoc.html>.

H. Funding Restrictions

1. Allowable Costs. Funds awarded cannot necessarily pay for all the costs that the recipient might incur in the course of carrying out the project. Generally, costs that are allowable include salaries, equipment, and supplies, as long as these are "necessary and reasonable" specifically for the purpose of the award. Allowable costs are determined by reference to the OMB Circulars A-122, "Cost Principles for Non-profit Organizations"; A-21, "Cost Principles for Education Institutions"; A-87, "Cost Principles for State, Local and Indian Tribal Governments"; and Federal Acquisition Regulation, codified at 48 Code of Federal Regulations, subpart 31.2 "Contracts with Commercial Organizations". All cost reimbursement subawards (subgrants, subcontracts, etc.) are subject to those federal cost principles applicable to the particular type of organization concerned.

Pre-award costs are generally unallowable. The earliest date for receipt of awards will be approximately 150-180 days after the close of this solicitation. Applicants should consider this selection and processing time in developing requested start dates for proposed restoration activities.

2. Indirect Costs. The budget may include an amount for indirect costs if the applicant has an established indirect cost rate with the federal government. Indirect costs are essentially overhead costs for basic operational functions (e.g., lights, rent, water, insurance) that are incurred for common or joint objectives and therefore cannot be identified specifically within a particular project. For this solicitation, the federal share of the indirect costs must not exceed the lesser of either the indirect costs the applicant would be entitled to if the negotiated federal indirect cost

rate were used or 25 percent of the direct costs proposed. For those situations in which the use of the applicant's indirect cost rate would result in indirect costs greater than 25 percent of the federal direct costs, the difference may be counted as part of the non-federal share.

A copy of the current, approved negotiated indirect cost agreement with the federal government should be included with the application. If the applicant does not have a current negotiated rate and plans to seek reimbursement for indirect costs, documentation necessary to establish a rate must be submitted within 90 days of receiving an award.

V. Application Review Information

Evaluation Criteria

Reviewers will assign scores to proposals ranging from 0 to 100 points based on the following five standard NOAA evaluation criteria and respective weights specified below.

1. Importance/Relevance and Applicability of Proposal (40 points)

This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA and the Trustee Council activities. For this competition, proposals will be evaluated on the following:

The potential of the project to restore, protect, conserve, enhance, replace or acquire the equivalent of natural resources that were injured as a result of the release of hazardous substances, including PCBs, in the New Bedford Harbor Environment. This is a required provision for project acceptance. Only if a project satisfies this provision will the project be evaluated for the following factors.

The location of the project within the New Bedford Harbor environment. Projects within the affected marine ecosystem that have a direct, positive impact on the harbor environment will only be considered if they will restore injured natural resources within the New Bedford Harbor environment.

The potential of the project to give the largest ecological and economic benefit to the greatest area or greatest number of people affected by the injury. Projects that benefit a particular individual rather than a group of individuals will be scored lower under this criterion.

The likelihood that the project will deliver tangible, specific ecological or economic results that are measurable so that changes to the New Bedford Harbor environment can be documented and a determination of whether the project was a success or failure can be made. Those applications that identify parameters and targets are likely to score higher on this criterion.

The potential of the project to enhance the public's ability to use, enjoy or benefit from the harbor environment. Besides a project's success at restoring natural resources, the project will be evaluated on the basis of collateral gains in the public's ability to utilize the harbor environment.

The potential of the project to enhance the aesthetic surroundings of the harbor environment while acknowledging the ongoing industrial uses of the harbor.

2. Technical/Scientific Merit (25 points)

This criterion assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives. For this competition, proposals will be evaluated based on the following:

The completeness and adequacy of detail in the project description, including clearly stated restoration objectives and goals, and the extent to which the implementation plan is achievable within the 36-month award period, including the ability to yield minimum monitoring data.

The overall technical feasibility of the project from both biological and engineering perspectives, including whether the proposed approach is technically sound and uses appropriate methods that are likely to achieve project goals and objectives. Preferred projects are those that employ proven technologies that have high probabilities of success. To assist in the evaluation of this criterion, the applicant should provide information on whether the technique has been used before and whether it has been successful.

Whether there are plans for long-term management of the restored resource, and an effective mechanism to evaluate project success, including adequate and meaningful monitoring that includes a clearly stated goal and at least one structural and one functional monitoring parameter for which results are achievable within the award period.

Whether there is assurance that implementation of the project will meet all federal, state and local environmental laws, and will expeditiously obtain applicable permits so that on-the-ground activities will begin within the first 30 months after a project's proposed start date. Projects that require permits and consultations should list all necessary permits required to complete the project, including the appropriate contact information for each permitting agency and documentation of all permits already secured for the project. Applications submitted with evidence of completed environmental assessments, completed consultations and/or secured permits, if applicable, are likely to score higher on this criterion.

3. Overall Qualifications of Applicants (10 points)

This criterion ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project. For this competition, proposals will be evaluated based on the following:

The capacity of the applicant and associated project personnel to conduct the scope and scale of the project, as indicated by the qualifications and past experience of the project leaders and/or partners in designing, implementing and effectively managing and overseeing similar projects. Examples of projects similar in scope and nature that have been successfully completed by the implementation team are encouraged. Communities and/or organizations developing their first restoration projects may not be able to document past experience, and therefore will be evaluated

on their potential to effectively manage and oversee all project phases, as evidenced by the explanation of characteristics such as education, training and/or experience of primary project participants.

The facilities and/or administrative resources and capabilities available to the applicant to support and successfully manage the restoration work, including the availability of outside technical expertise to guide the project to a successful completion. Applicants with demonstrated or potential outside expert involvement in or support for the proposed project may score higher on this criterion.

4. Project Costs (20 points)

This criterion evaluates the budget to determine if it is realistic and commensurate with the project needs and time-frame. For this competition, proposals will be evaluated on the following:

Their cost-effectiveness. Reviewers will examine the percentage of funds that will be dedicated to all phases of project implementation including physical, on-the-ground habitat restoration and/or science-based monitoring, compared to the percentage for general program support such as administration, salaries, overhead and travel. Applications proposing to use funds to expand an organization's day-to-day activities are unlikely to obtain a high score under this criterion. To encourage on-the-ground restoration, funding for salaries must be used to support staff directly involved in accomplishing the restoration work and should contain a detailed breakdown of personnel hours and costs by task.

Whether the proposed budget is realistic, based on the applicant's stated objectives and time frame, and sufficiently detailed, with appropriate budget breakdown and justification of both federal and non-federal shares by object class as listed on form SF-424A. Requests for equipment (any single piece of equipment costing \$5,000 or more) should be strongly tied to achieving on-the-ground habitat restoration and a comparison with rental costs should be used to justify the need to purchase. In general, funding requests for equipment purchases such as vehicles, boats and similar items will be a low priority.

The ability of the applicant to demonstrate that a significant benefit will be generated for a reasonable cost. If funds are requested for partial support of a project, the budget will be examined with respect to the overall project budget to allow an informed determination of a project's readiness and cost-benefit ratio.

5. Outreach, Education and Community Involvement (5 points)

This criterion assesses whether the project provides a focused and effective education and/or outreach strategy regarding the Trustee Council's mission. Provided that a project meets the required provision expressed in evaluation criterion 1 that a project must "restore, protect, conserve, enhance, replace or acquire the equivalent of natural resources that were injured" will the project be evaluated for the following factors:

Whether the activities proposed will involve citizens and broaden their participation in coastal

habitat restoration and/or science-based monitoring, and lead to achievement of long-term stewardship for restored living marine resources and a heightened community conservation ethic. Community participation may include hands-on training, restoration and/or monitoring activities undertaken by volunteers or work crews.

Public outreach as it relates to the proposed project, including plans to disseminate information on project goals, results, project partners and their roles, sources of funding and other support provided; and the potential for the proposed project to encourage future shellfish restoration projects or complement other local restoration or conservation activities. Proposals that indicate a commitment to install a sign at the site identifying the restoration work and recognizing the New Bedford Harbor Trustee Council and other project partners will score higher in this criterion.

On the depth and breadth of community support, as reflected by the diversity and strength of project partners, sponsorship by local entities, and/or written support from state and local governments or members of Congress.

On the potential of the project to be sustainable and long-lasting, as indicated by assurances by the applicant in the form of a letter of commitment from the affected landowner for a project on private land, or from the appropriate resource agency personnel for a project on permanently protected land, including assurance that the project will be maintained for its intended purpose.

B. Review and Selection Process

Applications will be screened by Council staff to determine if they are eligible, complete and in accordance with instructions detailed in the standard NOAA Grants Application Package. Applications that present narrative information in the same order as the evaluation criteria set out above are likely to be more competitive, as reviewers will be more easily able to identify information that directly translates to scoring. Eligible restoration proposals will undergo a technical review, ranking, and selection process.

Applications meeting the requirements of this solicitation will be evaluated by at least three individual technical reviewers consisting of members of the Council's Technical Advisory Committee. All proposals will be individually evaluated, rated and ranked in accordance with criteria and weights described in this solicitation. Reviewer comments, composite project scores and a rank order will be presented to the Council. The Council will review the recommendations, accept or modify the recommendations, and make a preliminary determination on the approximate number of projects it expects to undertake. Once the Council makes a preliminary determination, the Council will initiate a 30-day public comment period and hold a public hearing to receive comments on the Council's recommendations.

At the conclusion of the 30-day comment period, the Council will consider the comments from the public and its advisors before making its final decisions on funding. The Council, in consultation with its Technical Advisory Committee, will select the proposals to be recommended to the Grants Management Division (GMD) for funding and determine the amount of funds available for each approved proposal. The proposals shall be recommended in the rank

order unless the proposal is justified to be selected out of rank order based upon one or more of the following factors: (1) the availability of funds; (2) the balance and distribution of funds: a) geographically, b) by type of institution, c) by type of partners, d) by research areas, or e) by project types; (3) duplication of other projects funded or considered for funding by NOAA and/or other federal agencies; (4) program priorities and policy factors as set out section I.A and B; and IVD ; (5) the applicant's prior award performance; (6) partnerships with/participation of targeted groups; and (7) adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations for funding are made to GMD. Hence, awards may not necessarily be made to the highest scoring proposals. Unsuccessful applicants will be notified that their proposal was not among those recommended for funding. Unsuccessful applications submitted in hard copy will be kept on file until the close of the following fiscal year then destroyed.

Successful applicants generally will be identified approximately 90-120 days after the close of this solicitation. The earliest date for receipt of awards will be approximately 150-180 days after the close of this solicitation, when all NOAA/applicant negotiations and NEPA analysis and documentation supporting cooperative agreement activities have been completed. Applicants should consider this selection and processing time in developing requested start dates for proposed activities.

VI. Award Administration Information

A. Award Notices

Successful applicants may be asked to modify objectives, work plans, or budgets prior to final approval of an award. The exact amount of funds to be awarded, the final scope of activities, the project duration, and specific NOAA cooperative involvement (if any) with the activities of each project will be determined in pre-award negotiations among the applicant, the NOAA Grants Office, and the Council staff. Projects should not be initiated in expectation of federal funding until a notice of award document is received from the NOAA Grants Office.

B. Administrative and National Environmental Policy Act Requirements

1. Administrative Requirements.

Successful applicants who accept a NOAA award under this solicitation will be bound by Department of Commerce standard terms and conditions. This document will be provided with a copy of the award by the NOAA Grants Office, and can be found at:
<http://www.osec.doc.gov/oebam/pdf/ST&C-rev-1002.pdf>.

In addition, award documents provided by the NOAA Grants Office may contain special award conditions limiting the use of funds for activities that have outstanding environmental compliance requirements to fulfill, and/or stating other compliance requirements for the award as applicable.

2. The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of December 30, 2004 (69 FR 78389) are applicable to this solicitation.

3. Limitation of Liability

In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

4. NEPA Requirements

NOAA, acting for the Council, must analyze the potential environmental impacts, as required by NEPA, for restoration projects implemented through Council funding. NOAA will review applications that are likely to be successful candidates for funding consideration for compliance with NEPA under NOAA Administrative Order (NAO)216-6, Environmental Review Procedures for Implementing The National Environmental Policy Act (NEPA). NAO 216-6 is located at: http://www.nepa.noaa.gov/NAO216_6_TOC.pdf. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website: <http://www.nepa.noaa.gov/> and the Council on Environmental Quality implementing regulations, http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm.

Consequently, as part of an applicant's package, and under their description of program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems).

In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying and implementing feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for the denial of an application.

C. Reporting Requirements

Progress reports are due semi-annually and cover 6-month periods that begin with the start date listed in award documentation provided by NOAA GMD. Progress reports are due at the Trustee Council (see above) no later than 30 days after each 6-month project period. A final report is

due no later than 90 days after the expiration date of an award. Complete details on reporting requirements will be provided to successful applicants in the award documentation provided by the NOAA Grants office.

Financial reports cover the periods from October 1 - March 31 (due by April 30) and April 1 - September 30 (due by October 30), and should be submitted directly to the NOAA GMD as per instructions contained in official NOAA award documentation.

VII. Agency Contact

For further information, contact Jack Terrill, New Bedford Harbor Trustee Council, c/o National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930-2298, telephone 978-281-9136, e-mail jack.terrill@noaa.gov.